THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION Nos.5512 &5923 of 2003

Dated 01-08-2007

W.P.No.5512 of 2003
Between:
Subbash Theatre & others.

.....
PETITIONERS

AND

The Commissioner of Police, Hyderabad.

.....RESPONDENT

W.P.No.5923 of 2003
Between:
Sri devi talkies & another.

.....
PETITIONERS

AND

The Commissioner of Police, Hyderabad.

.....RESPONDENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION Nos.5512 &5923 of 2003

COMMON ORDER:

These Writ Petitions are filed questioning the action of the respondent/Commissioner of Police, Hyderabad, in fixing an upper limit for the parking fees to be charged by theatres in twin cities, as without jurisdiction and to quash the memo dated 15-03-2003.

In the memo dated 15-03-2003, it is stated that there were representations from cine goers that the rates currently being charged as parking fee in cinema theatres was exorbitant and, after examining all the relevant aspects, the Commissioner proposed imposition of an upper limit in respect of all the theatres located in the twin cities of Hyderabad and Secunderabad. The Commissioner directed that the parking fee shall not be more than Rs.10/- for four wheelers, Rs.5/- for two and three wheelers and not more than Rs.2/- for cycles. The memo also provided that collection of the parking fee was subject to the condition that the theatre managements undertake the safety of the parking vehicles. The concerned cinema theatre licensees were also directed to submit the original cycle stand licences immediately for making necessary entries to that effect.

On a query from this Court as to the source of power for the Commissioner of Police to issue such a memo, learned Government Pleader for Home while emphasizing that the intention behind the memo was laudable and that it was issued only in public interest, sought time to trace the said power in the City Police Act

or in any other statutory enactments. As such the matter was adjourned to today. The Learned Government Pleader would fairly submit that the power to issue the memo dated 15-03-2003 cannot be traced to any statute or statutory rules.

Notwithstanding, the laudable intentions, in the absence of any specific provision enabling the Commissioner of Police to impose such a restriction, the impugned memo dated 15-03-2003 must be held to be without jurisdiction and is accordingly quashed. The Writ Petitions are allowed. However, in the circumstances, without costs.

_____

01-08-2007

usd